

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RYAN O'DELL,	:	
	:	
Plaintiff,	:	
	:	21-CV-7635 (VSB)
-against-	:	
	:	<b><u>ORDER</u></b>
LANDMARK INFRASTRUCTURE LP, et al.,	:	
	:	
Defendants.	:	
	:	
-----X		

VERNON S. BRODERICK, United States District Judge:

On September 13, 2021, Plaintiff filed this action against Defendants Landmark Infrastructure LP, Arthur P. Brazy, Jr., Steven M. Sonnenstein, Sadiq Malik, Thomas Carey White, III, Gerald Tywoniuk, and Keith Benson. (Doc. 1.) To date, Plaintiff has not obtained a summons, filed an affidavit of service, or taken any other action to prosecute this case. On December 14, 2021, I ordered Plaintiff to submit a letter of no more than three (3) pages by December 23, 2021, supported by legal authority, demonstrating good cause as to why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m). (Doc. 3.) I warned Plaintiff that failure to submit a letter and to demonstrate good cause for failure to serve Defendants within ninety days after the complaint was filed would result in dismissal of this action. (*Id.*) Plaintiff failed to comply with my order and to submit a letter to demonstrate good cause by the December 23, 2021 deadline.

Federal Rule of Civil Procedure 4(m) states that the court “must dismiss the action without prejudice against that defendant or order that service be made within a specified time” if the “defendant is not served within 90 days after the complaint is filed.” Fed. R. Civ. P. 4(m). “But if the plaintiff shows good cause for the failure, the court must extend the time for service

for an appropriate period.” *Id.* Plaintiff has failed to show good cause for failure to serve Defendants within ninety days after the complaint was filed. Accordingly, it is hereby:

ORDERED that, in accordance with Rule 4(m), Plaintiff’s claims against Landmark Infrastructure LP, Arthur P. Brazy, Jr., Steven M. Sonnenstein, Sadiq Malik, Thomas Carey White, III, Gerald Tywoniuk, and Keith Benson be DISMISSED WITHOUT PREJUDICE.

The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: December 27, 2021  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

VERNON S. BRODERICK  
United States District Judge